



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Resolution Establishing Hiring Guidelines regarding Employees or Volunteers who Perform Services at a Park, Playground, School Facility, Recreational Center or Beach in a Position having Supervisory or Disciplinary Authority over any Minor

**MEETING DATE:** December 17, 2003


**PREPARED BY:** City Attorney

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**RECOMMENDED ACTION:** That the City Council adopt Resolution establishing hiring guidelines regarding employees or volunteers who perform Services at a park, playground, school facility, recreational center or beach in a position having supervisory or disciplinary authority over any minor.

**BACKGROUND INFORMATION:** During discussions recently involving the City and the BOB's relationship, it was discovered that the underlying legal authority for the screening program which the City was using to check for dealing with recreational activities has been repealed. The purpose of this Resolution before you this evening is to implement a policy which in essence carries forward the program and the restrictions which were previously contained in State law. The wording of the policy now implements the language that was previously in the State legislation. Under this policy it is anticipated that our program for background checks will continue to be implemented as it has in the past through the Human Resources Department.

**FUNDING:** None

  
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Randall A. Hays  
City Attorney

RAH/pn

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2003-249

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING  
HIRING GUIDELINES REGARDING EMPLOYEES OR  
VOLUNTEERS WHO PERFORM SERVICES AT A PARK,  
PLAYGROUND, SCHOOL FACILITY, RECREATIONAL CENTER,  
OR BEACH IN A POSITION HAVING SUPERVISORY OR  
DISCIPLINARY AUTHORITY OVER ANY MINOR

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WHEREAS, it is in the best interest of the community that youth recreation programs are wholesome and safe havens for minors; and

WHEREAS, prior references to specific sections of Penal Code §11105.3 contained in Public Resources Code §5164 no longer exist in the current language of Public Resources Code §5164; and

WHEREAS, it is found that the prohibitions to employment or volunteering in recreation programs contained in Public Resources Code §5164 were in the best interest of the community and its youth recreation programs as they addressed legitimate health and welfare concerns relative to youth.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following policy is adopted relative to employment or volunteering in youth recreation programs:

Policy

That City shall not hire a person for employment or hire a volunteer to perform services at a county or city or special district or school district operated park, playground, school facility, recreational center or beach used for recreational purposes, in a position having supervisory or disciplinary authority over any minors, if that person has a felony or misdemeanor conviction of any offense as follows; (all references are to California Penal Code):

- A. Sections 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 209, except for the offense specified in subdivision (d) of Section 243.4;
- B. Violation or attempted violation of Chapter 3 (commencing with Section 207), Sections 211 or 215, wherein it is charged and provided that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of section 12022, in the commission of that offense, Section 217.1, Chapter 8 (commencing with Section 240), and for a violation of any of the offenses specified in subdivision (c) of Section 667.5

This policy shall not apply to a misdemeanor conviction under paragraph B unless that person has a total of three or more misdemeanor or felony convictions specified in paragraphs A and B within the immediately preceding ten-year period.

Dated: December 17, 2003

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I hereby certify that Resolution No. 2003-249 was passed and adopted by the Lodi City Council in a regular meeting held December 17, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston". The signature is fluid and cursive, with a large, stylized initial "S".

SUSAN J. BLACKSTON  
City Clerk